



ND Division of Vocational Rehabilitation (DVR)

Order of Selection

Community Rehab Providers Informational Guide

April 13, 2012

WHAT IS VOCATIONAL REHABILITATION

The ND Division of Vocational Rehabilitation (DVR) furnishes a wide variety of services to help people with disabilities return to work. These services are designed to provide the individual with the training and other services that are needed to return to work, to enter a new line of work, or to enter the workforce for the first time. The program was established to assist individuals with disabilities, particularly those with significant disabilities, to achieve high quality employment outcomes in integrated settings.

1. Where does VR receive its funding?

DVR receives both state and federal funds to operate. The federal dollars received by DVR are authorized by the Department of Education, through the Rehabilitation Services Administration. North Dakota is designated a minimal allotment state for VR federal funding.

The federal grant award to DVR is 78.7% of the yearly operating budget. An additional grant of \$300,000 is received for Supported Employment. The state provides a 21.3% match to access the federal grant dollars.

North Dakota Division of Vocational Rehabilitation 2011 Program Funds	
Federal Funds received to operate the VR program = 78.7%	
Basic Support Dollars (for operating and case service expenses)	\$10,157,490
SEP Grant Dollars – for client services only	\$300,000
State Funds received to operate the VR program = 21.3%	
General Funds (for operating and case service expenses)	\$2,749,105
Total Funds for 2011	\$13,206,595

2. Why can't DVR access additional state dollars to operate the program?

DVR receives a minimal allotment of federal dollars to plan and provide service on an annual basis. The state match is appropriated by the ND Legislature on a biannual basis. The Legislature authorizes DVR the authority to obligate federal grant and state matching grant funds.

WHAT IS ORDER OF SELECTION?

An "Order of Selection" (OOS) is implemented when a Vocational Rehabilitation Agency does not have sufficient financial resources to serve all individuals who are eligible for services. Federal law and regulations, as well as state administrative code, policies and state plan, outline Order of Selection requirements.

DVR entered Order of Selection status on March 16, 2012. The existence of an Order of Selection **does not** preclude the referral of individuals for vocational rehabilitation services.

WHAT DOES IT MEAN TO IMPLEMENT AN ORDER OF SELECTION?

Order of Selection uses statewide wait lists to manage the available financial resources. Individuals with the most significant disabilities will be given priority on the wait list. During or shortly after the eligibility determination, individuals will be assigned an Order of Selection Priority Category based on the severity of their disability.

Individuals will be categorized into one of the three following categories based upon the significance of their limitations in functional capacities in the areas of mobility, motor skills, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills. Priority Category I is the highest and will be the first priority category to be removed from the wait list and placed in active status.

Eligible individuals will be placed in one of the following categories:

PRIORITY CATEGORY I – Individuals with the most significant disabilities are those:

- 1) who meet the criteria for significant disability as described below in Priority Category II, but are seriously limited in two or more functional capacities in terms of an employment outcome; and
- 2) require multiple core services over an extended period of time (six months or more).

PRIORITY CATEGORY II – Individuals with significant disabilities are those:

- 1) individuals who are receiving Social Security Disability Insurance or Supplemental Security Income; or
- 2) who have a significant physical or mental impairment which seriously limit one functional capacity;
- 3) whose Vocational Rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time (over six months); and
- 4) who have one or more physical or mental disabilities resulting from: amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, musculoskeletal disorder, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia and other spinal cord conditions, sickle cell anemia, specific learning disability, end-stage renal disease, or another disability or combination of disabilities determined on the basis of an assessment for determining eligibility and vocational rehabilitation needs to cause comparable substantial functional limitations.

PRIORITY CATEGORY III – Other individuals with disabilities

DVR services which **may only** be provided to eligible individuals who have been notified that funds are available and VR services can now be provided include, but are not limited to:

- Assessment/evaluation services
- Individual career guidance/counseling
- Information and referral services
- Job Search Assistance
- Assistance in finding employment/job development services
- On-the-Job-Training
- Educational Training, books and supplies, tools, etc.
- Supported employment job coaching services
- Assistive technology devices/services

WHAT DOES THIS MEAN FOR INDIVIDUALS CURRENTLY APPLYING FOR OR RECEIVING VR SERVICES?

Individuals applying for DVR services:

DVR will continue to take applications for individuals who wish to apply for services. If the individual is determined eligible, the counselor will also determine severity of their disability and place them in a priority category. Their name will then be placed on the wait list.

Clients already eligible for VR services:

If individuals were determined eligible for DVR services, but don't have an Individualized Plan for Employment (IPE), they will be placed on a wait list. These cases will be reviewed and assigned a priority category based on the severity of the individual's disability. All individuals will receive a letter identifying their priority category.

Clients who already have a plan:

If individuals are currently receiving services under an IPE, they will not be put on a wait list. They will continue to receive reasonable and necessary services without interruption so long as financial resources are available.

1. Who makes the eligibility decisions and priority category placement?

The DVR Counselor will determine if a person is eligible and which Order of Selection Priority Category the person is placed.

2. What is a functional limitation, and what makes it "serious?"

A functional limitation is defined by DVR as a vocational barrier or impediment to employment due to a disability that affects mobility, motor skills, self-care, self-direction, interpersonal skills, communication, work tolerance or work skills. A serious functional limitation means a reduction in the capacity of the individual to

the degree that the person requires services or accommodations not typically made for other individuals in order to prepare for, enter, engage in, retain, or advance in employment.

3. What if the individual does not agree with their priority category?

When individuals are informed of their eligibility and priority category, they will also be informed in writing, of their right to appeal this decision and will be provided with the Client Assistance Program (CAP) information. The priority category is the only appealable decision for individuals on the wait list.

4. Can the priority category change?

While individuals are on the wait list, they may request a review of their assigned priority category by submitting evidence that their disability has become more severe or they have acquired a new disability. The counselor will review the new information to determine if the priority category should be revised. If the counselor determines that there is evidence sufficient to revise the assigned priority category, the counselor may document this information and update the client's assigned category.

HOW WILL ORDER OF SELECTION AFFECT VR SERVICES?

1. Does cost of services influence my priority category?

The law states that no other factors like cost of service, income, age, type of disability, referral source, etc., can be used to determine the priority category.

2. Can DVR serve more categories in one office than in another?

DVR is a statewide program. All offices will serve the same open categories.

3. What does DVR mean when they indicate that a service must mitigate or remediate a disability?

The service would eliminate or lessen the effects of the disability.

4. How will Order of Selection affect services provided by Community Rehab Providers?

Only the Community Rehab Providers will be able to determine how the Order of Selection process will impact their operations.

HOW DOES ORDER OF SELECTION AND THE WAIT LIST WORK?

All eligible individuals who do not have an established IPE as of March 16, 2012, will go on a wait list.

There is a wait list with three categories: Priority Category I – Individuals with the most significant disabilities, Priority Category II – Individuals with significant disabilities, and Priority Category III – Other individuals with disabilities.

1. What can be done for individuals on the wait list?

At this time, the services that can be offered to individuals on the wait list are information, referral, and related counseling and guidance. These are to be provided at no expense to the agency.

2. How are people taken off the wait list?

When financial resources become available, federal regulations require that eligible individuals in Priority Category I are served first, followed by those in Priority Category II, and then those in Priority Category III. Individuals are taken off the wait list according to the earliest date of application. When the agency determines that it can take individuals off the wait list, the region to which the case is assigned will be notified of the name and case number of the individual.

3. Who will keep the wait list?

The wait list will be kept in a database at the DVR State Office in Bismarck.

4. Can exceptions be granted to placement on the wait list?

No. The law requires that this procedure be followed.

5. How long will a person stay on the wait list?

DVR is unable to make that determination at this time. Until it is determined that there are sufficient financial resources to serve individuals, DVR is unable to provide projections on service delivery dates for individuals on the wait list.

6. Will DVR maintain contact with people on the wait list?

Yes. When or if the time comes that a person can be taken off the wait list, they will be notified. At this time, DVR cannot devote staff time or resources to anyone on the wait list beyond information, referral, and related counseling and guidance. Individuals are encouraged to keep DVR informed of any change of address and phone number so we can contact them when they are removed from the wait list.

7. If a priority category is not open, will the case be closed after a certain period of time?

No. Cases will remain open until information is available that would allow it to be reclassified to a higher priority category; or funding becomes available to provide services to eligible individuals in other priority categories. Cases may be closed only if the individual and counselor agree that the case should be closed.

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